

173860

ACCEPTED
Legal 5-4-05

BEFORE THE
PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

DOCKET NO. 2005-1-E

IN THE MATTER OF:

Carolina Power & Light Company d/b/a
Progress Energy Carolinas, Inc.
Annual Review of Base Rates for
Fuel Costs

MOTION FOR ADMISSION
Pro Hac Vice

2005 MAY -4 PM 12:37

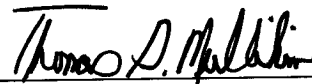
PROPOSED

Nucor Steel-South Carolina, a Division of Nucor Corporation, hereby moves the Public Service Commission of South Carolina ("Commission") to permit Garrett A. Stone and John H. Conway to practice pro hac vice before the Commission in the above-captioned matter.

Pursuant to SCACR 404, Messrs. Stone and Conway, together with counsel of record Thomas S. Mullikin, have filed a *Verified Application for Admission Pro Hac Vice* with the South Carolina Supreme Court. Attached hereto are stamped copies of both Verified Applications as filed with the Supreme Court.

WHEREFORE, as the provisions set forth in SCACR 404 have been satisfied, Nucor requests this motion be granted.

Respectfully submitted,
MOORE & VAN ALLEN, PLLC



Thomas S. Mullikin

100 North Tryon Street, Suite 4700
Charlotte, NC 28202
(704) 331-3580
(704) 339-5870 Telefax
tommullikin@mvalaw.com

Counsel for Nucor Steel-South Carolina

**BEFORE THE
PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA**

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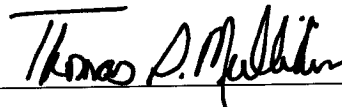
CERTIFICATE OF SERVICE

This is to certify that the foregoing document was served upon the following parties at the addresses set forth by first-class mail, postage pre-paid this 4 day of May, 2005:

Len S. Anthony, Esq.
Progress Energy Services Company
P.O. Box 1551 / PEB 17A4
Raleigh, NC 27602

Florence P. Belser, Esq.
Wendy B. Cartledge, Esq.
Benjamin P. Mustian, Esq.
Office of Regulatory Staff
Post Office Box 11263
Columbia, SC 29211

Scott Elliott, Esq.
SC Energy Users Committee
Elliott & Elliott, PA
721 Olive Street
Columbia, SC 29205



Thomas S. Mullikin

SC PUBLIC SERVICE COMMISSION
2005 MAY -4 PM 12:37
RECEIVED

VERIFIED APPLICATION FOR ADMISSION *PRO HAC VICE*
IN THE STATE OF SOUTH CAROLINA

RECEIVED

MAY 04 2005

S.C. SUPREME COURT

IN THE MATTER OF:

Docket No. 2005-1-E

Carolina Power & Light Company d/b/a
Progress Energy Carolinas, Inc.
Annual Review of Base Rates for
Fuel Costs

Public Service Commission of South Carolina

Mailing Address:

101 Executive Center Dr., Suite 100
Columbia, SC 29210

Comes now **Garrett A. Stone**, applicant herein, and respectfully represents the following:

1. Applicant resides at 2202 Toronto Street, Falls Church, County of Arlington, VA 22043; telephone number 703-241-4122.
2. Applicant is an attorney and a member of the law firm of (or practices law under the name of) Brickfield, Burchette, Ritts & Stone, PC, with offices at 1025 Thomas Jefferson Street, NW, 8th Floor West, Washington, DC 20007; telephone 202-342-0800; fax number 202-342-0807.
3. Applicant has been retained personally or as a member of the above named law firm by Nucor Steel-South Carolina to provide legal representation in connection with the above case now pending before the above named court of the State of South Carolina.
4. Since April 11 of 1986, applicant has been, and presently is, a member in good standing of the bar of the highest court of the District of Columbia where applicant regularly practices law. Attached is a certificate of good standing.
5. Applicant has been admitted to practice before the following courts: (List all of the following courts applicant has been admitted to practice before: United States District Courts; United States Circuit Courts of Appeals; the Supreme Court of the United States; and courts of other states or the District of Columbia.)

Court:

Date Admitted:

Colorado	1982
United States District Court for the District of Colorado	1982
United States Court of Appeals for the Tenth Circuit	1982

Applicant is presently a member in good standing of the bars of those courts listed above, except as listed below: (List any court named in the preceding paragraph that applicant is no longer admitted to practice before.)

Not applicable. Colorado membership is inactive at Applicant's election.

6. Applicant presently is not subject to any suspension or disbarment proceedings, and has not been formally notified of any complaints pending before a disciplinary agency, except as provided below (give particulars, e.g., jurisdiction, court, date):

Applicant affirms the above statement to be true and correct.

7. Applicant never has had any application for admission *pro hac vice* in this or any other jurisdiction denied or any *pro hac vice* admission revoked, except as provided below (give particulars, e.g., date, court, docket number, judge, circumstances; attach a copy of any order of denial or revocation):

Not applicable.

8. Applicant never has had any certificate or privilege to appear and practice before any administrative body suspended or revoked, except as provided below (give particulars, e.g., date, administrative body, date of suspension and reinstatement):

Not applicable.

9. Local counsel of record associated with applicant in this case is Thomas S. Mullikin, of Moore & Van Allen, PLLC, 100 North Tryon Street, Suite 4700, Charlotte, NC 28202; telephone 704-331-3580.

If applicable list all other firms/attorneys you are associated with on this matter.

10. Applicant has previously filed an application to appear *pro hac vice* in the following South Carolina cases (give case name and status of litigation, date of application, local counsel of record in each case, and state whether application is pending or was granted).

Applicant cannot specifically recall whether he has filed such an application in another South Carolina case. Applicant has not appeared in a hearing in South Carolina in a number of years. However, Applicant was permitted by the South Carolina Public Service Commission to participate in a number of matters in the late 1980s and throughout the 1990s based on oral motion at the hearing, which was the standard practice at the time. Applicant also participated in two appeals of two Commission cases that were resolved by the Supreme Court of South Carolina, in which *pro hac vice* status may have been granted.¹ However, Applicant does not recall the details of these cases, or any other cases, which were completed many years ago. Applicant has never been denied the right to participate in a South Carolina case.

11. Applicant agrees to comply with the applicable statutes, laws and rules of the State of South Carolina and will familiarize him/herself with and comply with the South Carolina Rules of Professional Conduct. Applicant consents to the jurisdiction of the South Carolina courts and Commission on Lawyer Conduct.

12. Applicant respectfully requests to be admitted to practice in the above named court for this case only.

DATED this 2nd day of May, 2005.



APPLICANT

¹ *Nucor Steel, a Div. of Nucor Corp. v. South Carolina Public Service Com'n*, 310 S.C. 539, 426 S.E.2d 319 (1992); and *Hamm v. South Carolina Public Service Com'n*, 307 S.C. 188, 414 S.E.2d 149 (1992).


VERIFICATION

DISTRICT OF COLUMBIA)

I, Garrett A. Stone, do hereby swear or affirm under penalty of perjury that I am the applicant in the above styled matter; that I have read the foregoing application and know the contents thereof; and that the contents are true of my own knowledge, except as to those matters stated on information and belief, and that as to those matters I believe them to be true.


APPLICANT/AFFIANT

Subscribed and sworn before me this 2nd day of May, 2005.



Notary Public for the District of Columbia

PAMELA G. GROSS

My Commission Expires: Notary Public District Of Columbia
My Commission Expires March 31, 2007

LOCAL COUNSEL CONSENT

I hereby consent, as local counsel of record, to the association of applicant in this cause pursuant to Rules Governing Admission *Pro Hac Vice* to the South Carolina Bar.

DATED this 4 day of May, 2005


LOCAL COUNSEL OF RECORD



District of Columbia Court of Appeals
Committee on Admissions
500 Indiana Avenue, N.W. — Room 4200
Washington, D. C. 20001
202 / 879-2710

I, GARLAND PINKSTON, JR., Clerk of the District of Columbia
Court of Appeals, do hereby certify that

GARRETT A. STONE

was on the 11th day of April, 1986,
duly qualified and admitted as an attorney and counselor and
entitled to practice before this Court and is, on the date
indicated below, an active member in good standing of this Bar.

In Testimony Whereof, I have
hereunto subscribed my name
and affixed the seal of this
Court at the City of
Washington, D.C., on April
19, 2005.

GARLAND PINKSTON, JR., CLERK

By: *Garland Pinkston, Jr.*
Deputy Clerk

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of this application upon the South Carolina Supreme Court via hand delivery, accompanied by payment of the \$100 filing fee payable to the South Carolina Supreme Court, on this 4 day of May, 2005.

Thomas D. Mullikin

FILED
2005 MAY -4 10 12
CLERK OF COURT
SOUTH CAROLINA

VERIFIED APPLICATION FOR ADMISSION *PRO HAC VICE*
IN THE STATE OF SOUTH CAROLINA

RECEIVED

MAY 04 2005

S.C. SUPREME COURT

IN THE MATTER OF:

Docket No. 2005-1-E

Carolina Power & Light Company d/b/a
Progress Energy Carolinas, Inc.
Annual Review of Base Rates for
Fuel Costs

Public Service Commission of South Carolina

Mailing Address:

101 Executive Center Dr., Suite 100
Columbia, SC 29210

Comes now *John H. Conway*, applicant herein, and respectfully represents the following:

1. Applicant resides at 3812 Columbia Pike, #10, Arlington, VA 22204; telephone number 703-892-7074.
2. Applicant is an attorney and a member of the law firm of (or practices law under the name of) Brickfield, Burchette, Ritts & Stone, PC, with offices at 1025 Thomas Jefferson Street, NW, 8th Floor West, Washington, DC 20007; telephone 202-342-0800; fax number 202-342-0807.
3. Applicant has been retained personally or as a member of the above named law firm by Nucor Steel-South Carolina to provide legal representation in connection with the above case now pending before the above named court of the State of South Carolina.
4. Since October 12 of 2001, applicant has been, and presently is, a member in good standing of the bar of the highest court of the District of Columbia where applicant regularly practices law. Attached is a certificate of good standing.
5. Applicant has been admitted to practice before the following courts: (List all of the following courts applicant has been admitted to practice before: United States District Courts; United States Circuit Courts of Appeals; the Supreme Court of the United States; and courts of other states or the District of Columbia.)

Court:

Western District of Wisconsin
United States Supreme Court
United States Court of Appeals for the First Circuit
United States Court of Appeals for the Fourth Circuit
United States Court of Appeals for the Fifth Circuit
United States Court of Appeals for the Sixth Circuit
United States Court of Appeals for the Eighth Circuit
United States Court of Appeals for the Ninth Circuit
United States Court of Appeals for the Tenth Circuit
United States Court of Appeals for the Eleventh Circuit
United States Court of Appeals for the D.C. Circuit

Date Admitted:

June 16, 1978
December 2, 1985
September 10, 1985
December 12, 1983
April 8, 1983
March 29, 1985
July 29, 1986
June 30, 1983
March 1, 1985
March 31, 1983
July 29, 1983

Applicant is presently a member in good standing of the bars of those courts listed above, except as listed below: (List any court named in the preceding paragraph that applicant is no longer admitted to practice before.)

Not applicable.

6. Applicant presently is not subject to any suspension or disbarment proceedings, and has not been formally notified of any complaints pending before a disciplinary agency, except as provided below (give particulars, e.g., jurisdiction, court, date):

Applicant affirms the above statement to be true and correct.

7. Applicant never has had any application for admission *pro hac vice* in this or any other jurisdiction denied or any *pro hac vice* admission revoked, except as provided below (give particulars, e.g., date, court, docket number, judge, circumstances; attach a copy of any order of denial or revocation):

Not applicable.

8. Applicant never has had any certificate or privilege to appear and practice before any administrative body suspended or revoked, except as provided below (give particulars, e.g., date, administrative body, date of suspension and reinstatement):

Not applicable.

9. Local counsel of record associated with applicant in this case is Thomas S. Mullikin, of Moore & Van Allen, PLLC, 100 North Tryon Street, Suite 4700, Charlotte, NC 28202; telephone 704-331-3580.

If applicable list all other firms/attorneys you are associated with on this matter.

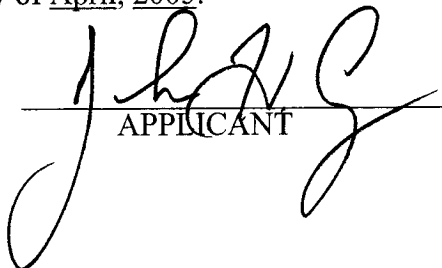
10. Applicant has previously filed an application to appear *pro hac vice* in the following South Carolina cases (give case name and status of litigation, date of application, local counsel of record in each case, and state whether application is pending or was granted).

Not applicable.

11. Applicant agrees to comply with the applicable statutes, laws and rules of the State of South Carolina and will familiarize him/herself with and comply with the South Carolina Rules of Professional Conduct. Applicant consents to the jurisdiction of the South Carolina courts and Commission on Lawyer Conduct.

12. Applicant respectfully requests to be admitted to practice in the above named court for this case only.

DATED this 28th day of April, 2005.



APPLICANT

VERIFICATION

DISTRICT OF COLUMBIA)

I, John H. Conway, do hereby swear or affirm under penalty of perjury that I am the applicant in the above styled matter; that I have read the foregoing application and know the contents thereof; and that the contents are true of my own knowledge, except as to those matters stated on information and belief, and that as to those matters I believe them to be true.



APPLICANT/AFFIANT

Subscribed and sworn before me this 28th day of April, 2005.



PAMELA H. GROSS

Notary Public for the District of Columbia

My Commission Expires March 31, 2007

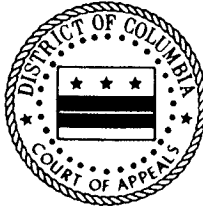
LOCAL COUNSEL CONSENT

I hereby consent, as local counsel of record, to the association of applicant in this cause pursuant to Rules Governing Admission *Pro Hac Vice* to the South Carolina Bar.

DATED this 4 day of May, 2005



LOCAL COUNSEL OF RECORD



District of Columbia Court of Appeals
Committee on Admissions
500 Indiana Avenue, N.W. — Room 4200
Washington, D. C. 20001
202 / 879-2710

I, GARLAND PINKSTON, JR., Clerk of the District of Columbia
Court of Appeals, do hereby certify that

JOHN H. CONWAY

was on the 12th day of October, 2001,
duly qualified and admitted as an attorney and counselor and
entitled to practice before this Court and is, on the date
indicated below, an active member in good standing of this Bar.

In Testimony Whereof, I have
hereunto subscribed my name
and affixed the seal of this
Court at the City of
Washington, D.C., on April
19, 2005.

GARLAND PINKSTON, JR., CLERK

By: *Ratish Fagan*
Deputy Clerk

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of this application upon the South Carolina Supreme Court via hand delivery, accompanied by payment of the \$100 filing fee payable to the South Carolina Supreme Court, on this 4 day of May, 2005.

Thomas L. Mullikin

2005 MAY -4 PM 1:13
SC SUPREME COURT
COMMUNICATIONS SECTION